International Criminal Court ICC-ASP/1/6/Add.1

Assembly of States Parties

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New York
3-7 February 2003
21-23 April 2003

Election of the Prosecutor of the International Criminal Court

Note by the Secretariat

Addendum

1. The Assembly of States Parties, at its 8th meeting, on 7 February 2003, decided, on the recommendation of the Bureau, to reopen the nomination period for the Prosecutor to run from 24 March to 4 April 2003. Since pursuant to paragraph 29 of resolution ICC-ASP/1/Res.2 every effort shall be made to elect the Prosecutor by consensus, the Bureau continued to encourage States Parties to consult informally first, before processing their official nominations with the Secretariat.

2. At the same meeting, the Assembly took note of the decision of the Bureau that the election of the Prosecutor would be held during the second resumption of the first session in April 2003.

3. In accordance with the decision of the Assembly of States Parties, the nomination period was reopened on 24 March 2003 and closed on 4 April 2003. One nomination, namely that of Mr. Luis Moreno Ocampo (Argentina), was received.

4. Information relating to the candidate for election as Prosecutor of the International Criminal Court, including a statement specifying in the necessary detail how the candidate fulfils the requirements of paragraph 3 of article 42 of the Statute, is to be found in the annex to the present document.

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Annex

Moreno Ocampo, Luis (Argentina)

[Original: English/Spanish]

Note Verbale

I have the honour to nominate Mr. Luis Moreno Ocampo for election as Prosecutor of the International Criminal Court.

It is a great honour for the Argentine Government to nominate Mr. Luis Moreno Ocampo, who enjoys an illustrious reputation in the Argentine Republic as a result of his work as prosecutor. The States parties to the Rome Statute are familiar with his background and suitability for the post.

This candidacy reflects the strong and ongoing commitment of the Argentine Republic to the International Criminal Court.

Statement of qualifications

Education

Buenos Aires University Law School, 1978. Lawyer (J.D.)

Professional activities

Moreno Ocampo & Wortman Jofre (1992-present)

Main partner in a law firm of 12 lawyers based in Buenos Aires, specializing in criminal and human rights law; corruption control programmes for large organizations; and alternative dispute resolution techniques in business.

- Worked on public interest cases such as journalists' protection cases and political bribery cases.
- Represented the victims in Italy's requested extradition of Nazi officer E. Priebke, in 2001.
- Represented the victims in the criminal trial of a member of the Chilean secret police who murdered Chilean General Carlos Prats in 1974 in Buenos Aires, in 2002.
- Represented the former minister of economics Domingo Cavallo before the Inter-American Commission of Human Rights of the Organization of American States, demanding that his right to an impartial judiciary be guaranteed.
- Served as a Private Inspector General for large private companies.
- Carried out programmes in the National Reinsurance Institute, the National Taxation Bureau and the Ministry of Labour and Social Security of the Argentine Government.
- Negotiated gender and money conflicts between shareholders in three of the largest companies in the country.

Consultancies (1990-present)

- Consultant for the World Bank, the Inter-American Development Bank and the United Nations, aiding Governments trying to control corruption in the Dominican Republic, Bolivia, Venezuela and Peru.
- Consultant for the World Bank, hired to train World Bank managers, as well as local, state and national government officials in Latin America and Africa.
- Gave seminars about human rights, the judiciary and corruption control in more than 20 countries, including Canada, the United States, Mexico, Guatemala, El Salvador, Honduras, Costa Rica, the Dominican Republic, Panama, Venezuela, Colombia, Ecuador, Peru, Brazil, Paraguay, Bolivia, Uruguay, Chile, the United Kingdom, France, Italy, Spain, Uganda, South Africa, Morocco and the Republic of Korea.
- Gave seminars at Yale, Harvard, Stanford, New York and Columbia Universities on justice, human rights and corruption.

Other business activities

Transparent markets (1999-present). Founder and main shareholder of an international company using market forces to increase transparency and efficiency in public procurement. The company produces cross-border and local information about public purchases carried out by multilateral organizations, national Governments, provinces and cities.

Prosecutorial experience

1980-1984: Clerk in the office of the Solicitor General, Argentina.

1984-1985: Assistant Prosecutor in the trials against the military junta that ruled the country during the dictatorship; led the prosecutorial team which analysed more than 10,000 alleged human rights abuses, selected 700 cases and presented 2,000 witnesses; managed to establish how the commanders approved and executed a meticulous plan to kidnap, torture and eventually "disappear" those they mistrusted; shared in witness examination and cross-examination.

1986: Assistant Prosecutor in the trials against General Ramon Camps, the chief of the Buenos Aires Police Force and eight police officers involved in murder, kidnapping and torture; led the investigations and the evidence-gathering and joined with the lead prosecutor in conducting witness examination.

1987: Helped the United States prosecution team in the extradition of General Guillermo Suarez Mason, carried out in California, United States of America.

1988: Main Prosecutor in the prosecution of the September 1987 military rebellion.

1988: Main Prosecutor in the review of a military trial for malpractice against the Malvinas-Falkland war commanders.

1991: Led the prosecution of the military officers that participated in the last rebellion (December 1990) against Argentine democracy.

Academic activities

Harvard Law School (winter 2003): Robert F. Kennedy Visiting Professor, to teach with Prof. Philip Heyman, a course entitled "Bringing power to justice", which will analyse how prosecutors operate in common law and civil law countries and will examine a variety of national and international approaches to prosecuting crimes committed by State actors; also teaching a seminar entitled "Human rights, international business and corruption: establishing the rule of law in developing countries".

Stanford University (winter 2002): Tinker Visiting Professor, taught course entitled "Human rights, international business and corruption: establishing the rule of law in Latin America" to Stanford graduate students.

University of Buenos Aires (1992-present): Associate Professor in the Criminal Law Department, part time, teaching seminars about human rights, corruption and money-laundering.

Centro de Estudios de Estado y Sociedad (CEDES) (State and Society Studies Centre) (1988-1990): Researcher in the programme "Human rights and the consolidation of democracy: the case against the Argentine military", funded by the John D. and Catherine T. MacArthur Foundation and the Ford Foundation.

University of Buenos Aires Law School (1984): Deputy Director of the Law School Research Centre.

Books and publications

En Defensa Propia. ¿Cómo salir de la corrupción? (In self-defence. How to avoid corruption?). Publisher: Sudamericana. 1993.

Cuando el poder perdió el juicio. ¿Cómo explicar el "Proceso" a nuestros hijos? (When power lost its mind. How to explain the "dictatorship" to our children). Publisher: Planeta Espejo de la Argentina. 1996. The book explains the operation of the system which led to the military dictatorship and the massive crimes that followed.

"The challenge of the law in Argentina: after the genocide, hyper-corruption and insecurity", in *The Coming Argentina. Analysis and Proposals for a Society in Transition.* Aldo Isuani and Daniel Filmus, compilers, UNICEF, Flacso.

"Beyond punishment: justice in the wake of massive crimes in Argentina", *Journal of international affairs*, vol. 52, No. 2 (spring 1999).

Pro bono activities

Poder Ciudadano (1989-present). Co-founder and current president of this non-governmental organization, which promotes citizens' responsibility and participation through educational programmes and through monitoring the judiciary, the Congress, the Executive and political campaigns.

Transparency International (1995-present). Former president of Transparency International for Latin America and the Caribbean, former Advisory Board member

to the worldwide organization and currently worldwide board member. Transparency International's mission is to reduce corruption in international business.

New Tactics on Human Rights, The Centre for Victims of Torture (2000-present). Member of a small international working group attempting to gather, develop and apply innovative tactics, often displayed by groups not traditionally considered part of the human rights arena, that may help curb persistent human rights violations. The working group promotes the use and proliferation of these tactics by organizing regional training workshops and gathering successful tactics into a workbook as a resource for human rights activists.

Project on Justice in Times of Transition, Harvard University (2000-present). Advisory Board member of this university-based initiative designed to convene and gather lessons from victims, perpetrators and bystanders who have managed to coexist in the aftermath of gross violations of human rights.